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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,717	02/01/2001	Beerud D. Sheth	21673-05635	5333
758	7590	07/27/2005	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			HAVAN, THU THAO	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/775,717

Applicant(s)

SHETH, BEERUD D.

Examiner

Thu Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/6/05, 5/20/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> .           |

Continuation of Attachment(s) 6). Other: IDS: 1/26/04, 10/24/03, 9/22/03, 4/8/03, 2/1/01.

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**Detailed Action**

***Drawings***

The Examiner accepts the drawings filed on May 11, 2001.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 5,862,223).

Re claims **1** and **21**, Walker teaches a computer implemented method for procuring services (abstract), comprising:

establishing a private marketplace to a predetermined set of buyers and a pre-identified set of vendors (fig. 5);

facilitating a buyer's inviting bids on a project from a subset of the vendors (col. 37, line 42 to col. 38, line 3);

receiving at least one bid on the project from at least one of the subset of vendors (fig. 30);

facilitating the buyer's acceptance of one of the bids (col. 38, lines 51-56; fig. 32); and  
facilitating work on the project by the vendor and the buyer in a collaborative workspace (col. 2, lines 47-63; col. 28, lines 39-52; fig. 35). *In other words, Walker*

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*discloses collaborative workspace by matching the real work commerce. The bidding and auction are implemented in a network environment with matching experts.*

However, Walker does not explicitly teach access restricted. Nevertheless, Walker discloses authenticated result that corresponds with access restricted (col. 30, lines 26-67; fig. 24 (element 2415)). He discloses the practice of using cryptographic protocols to ensure the authenticity of senders as well as the integrity of messages is well known in the art. Thus, it would have been obvious to one of ordinary skill in the art to access restricted information by having a authenticated system wherein the accessing of information is restricted to particular users as discloses in Walker.

Re claims 2, 12, and 22, Walker teaches private marketplace is an online marketplace and establishing the private marketplace further comprising customizing the look and feel of the online marketplace (col. 7, lines 5-29). *Walker discloses customizing when he allows a user to produce a job request suitable for consideration by an expert. Thus, when a user changes the information as he sees suitable than he is customizing the information.*

Re claims 3, 13, and 23, Walker teaches establishing of the private marketplace further comprises managing the pre-identified set of vendors (col. 8, lines 16-27). *Walker discloses experts as corresponding to set of vendors. The experts are managed by the database system to see if they are qualified.*

Re claims 4, 14, and 24, Walker teaches restricting the access of the buyers and vendors to one or more projects within the private marketplace (col. 25, lines 20-52). *Walker restricts buyers and vendors to particular projects such as finance, real estate, medicine, or etc.*

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Re claims **5, 15, and 25**, Walker teaches receiving invoices from the vendors for services provided by the vendors to the buyers, the invoices received at a centralized location (fig. 10);

consolidating at the centralized location the invoices received for the predetermined set of buyers (col. 22, lines 12-45);

sending a bill from the centralized location to an owner of the private marketplace (col. 24, lines 22-60);

receiving money at the centralized location from the owner of the private marketplace (fig. 13); and

distributing the money to the vendors (col. 23, line 47 to col. 24, line 5).

Re claims **6, 16, and 26**, Walker teaches obtaining project approval before one or more stages in the procurement of services (col. 26, lines 6-15). *Walker discloses an expert accepting the project before one or more stages in the procurement of services.*

Re claims **7, 17, and 27**, Walker teaches monitoring the private marketplace (fig. 6). *In figure 6, Walker discloses the central controller as the monitoring system for the private marketplace.*

Re claims **8, 18, and 28**, Walker teaches monitoring the private marketplace further comprises generation of requested reports (col. 21, lines 12-26). *Walker discloses requested reports when he generates a price for each end user request.*

Re claims **9, 19, and 29**, Walker teaches monitoring the private marketplace further comprises generation of planning reports (fig. 7).

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Re claims 10, 20, and 30, Walker teaches monitoring the private marketplace further comprises generation of performance measurement reports (fig. 22). *In figure 22, element 2220, Walker discloses list of graders as a performance measurement reports.*

Re claim 11, Walker teaches a computer program as claimed in claims 1 and 21. In particular, Walker discloses program code when he teaches payment module to implement the application (fig. 10). Therefore the rationale applied in the rejection of claim 11 applies herein.

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bi et al, US patent no. 6,311,178, teaches matching system;

Silverman et al, US patent no. 5,924,082, is directed to negotiated matching system;  
and

Fraser, US patent no. 5,664,115, discloses matching system between buyers and sellers.

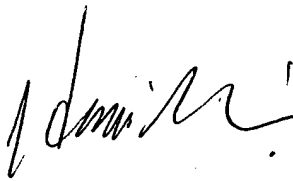
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH  
7/12/2005



**HANI M. KAZIMI**  
**PRIMARY EXAMINER**